

In light of the current public health crisis and the Federal, State and County Emergency Declarations, and in accord with the provisions of Sec. 610.020, RSMo., the Board of Aldermen recognizes that it would be dangerous and impractical, if not impossible, for its meeting to be physically accessible to the public. The Board also recognizes the need for the public's business to be attended to in order to protect the public health, safety and welfare. In order to balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Community Equity Commission will not be open to public attendance in person. The meeting will be accessible by the public in real time ONLY by following the instructions in the box below.

You are invited to a Zoom webinar.

When: July 9, 2020 05:30 PM Central Time (US and Canada)

Topic: Community Equity Commission

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88238922420>

Or iPhone one-tap :

US: +13017158592,,88238922420# or +13126266799,,88238922420#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 882 3892 2420

International numbers available: <https://us02web.zoom.us/j/88238922420>

Persons interested in making their views known on any matter on the agenda should send an email with their comments to the Assistant to the City Manager at amuskopf@claytonmo.gov. All comments received will be distributed to the entire Commission before the meeting.

Thank you for your understanding and patience as we all try to get through these difficult and dangerous times.

**Community Equity Commission
July 9, 2020 at 5:30 PM**

Agenda

1. Welcome and Roll Call
2. Approval of June 11, 2020 Minutes
3. Old Business
 - a. June 11, 2020 Public Comments Submitted to Record:
 - i. Monument Landscape
 - ii. Hiring Statistics
 - b. Discussion of Guiding Principles
4. Discussion of Traffic Stop Data and Dispatch Report
5. Public Comment
6. Comments from Members
7. Next Meeting: Thursday, August 13 at 5:30 pm
8. Adjourn

The City of Clayton
Community Equity Commission
Virtual Zoom Meeting
June 11, 2020 at 5:30 PM

Minutes

Roll Call

Present: Yvonne Tisdell, Laura Horwitz (Chair), Adam Sheble, Chris Schmiz, Ben Uchitelle, Stuart Berkowitz, Frances Pires, Dr. Sean Doherty (ex officio), Rev. Laurie Anzilotti (ex officio), JoAnna Schooler (ex officio), Ellen Gale (ex officio), and Darlene Reed (ex officio).

Additional: Alderman Boulton, Alderman Buse, City Manager Gipson, Assistant to the City Manager Andrea Muskopf, and Chief Mark Smith.

Minutes

Ben Uchitelle moved to approve the May 11, 2020 minutes. Chris Schmiz seconded the motion. All were in favor.

General Orders and Policing Policies

Clayton Police Chief Mark Smith discussed the Clayton Police Department's General Orders and answered questions from the Community Equity Commission. Commission Members submitted questions to the Chief ahead of the meeting after reviewing the General Orders. These questions are attached to these minutes.

Public Comment

Two public comments from Geoff Ward and Kathleen Gund were submitted through email for the public record. The emails are attached to these minutes.

Becky Patel commented on Chief Smith's discussion regarding use of force and wanted to share that the Police may want to consider the perspective of individuals who have experienced police use of force.

Geoff Ward commented on an email he had submitted to the Commission that referenced the white supremacist tone of the marker in front of the St. Louis County Police Headquarters. He also asked Chief Smith what steps can be taken ensure office fidelity to duty to intervene policies.

Nathan Schrenk voiced his support for Geoff Ward's comment regarding the marker outside of the St. Louis County Police Department.

Diana Hopper asked what the Clayton Police Department is doing to be leaders in policing and not reactionary.

Next Meeting Date

The next meeting is scheduled for July 9 at 5:30 pm.

Additional Comments

City Manager Gipson reminded everyone to begin every email to the entire group with “Not for Discussion” as active discussions via email are considered meetings under the Sunshine Law.

Adjourn

Yvonne Tisdell moved to adjourn the meeting. Chris Schmiz seconded the motion. All were in favor. The meeting adjourned at 7:04 pm.

DRAFT

Questions for Chief Smith

1. Implicit Bias
 - How does implicit bias training fit into your Use of Force and Search and Seizure training?
 - When do you review your data to look at trends that could indicate bias?
2. How are we accounting for historic imbalances in race and power in all facets of policing in Clayton?
3. Discussion with Chief Smith of his thoughts of community policing as a cornerstone of police reform.
4. Lawsuit and settlement payouts over the last 10 years in \$? Is this publicly available? How many closed settlements have we had?
5. What (in your opinion) are the systemic issues in our community that contributes to the calling of the police? "Amy Cooperism"
6. What about Amy Cooperism from the business standpoint? Calling the cops? Are there hurdles the caller has to meet before officers are dispatched?
7. Use of Force
 - How are you updating your neck hold policy in light of George Floyd's death?
 - When and how do you report Use of Force incidents (either lethal or non-lethal) to the wider community?
 - What are protocols for after action reviews of Use of Force incidents involving race?
 - Comments/Suggestions:
 - Move from reporting excessive use of force to intervening.
 - Add community voice to administrative review
 - Add something to policy to address/report citizen complaints involving use of force, making as public as possible
8. Search and Seizure
 - How would this order apply to searching a Transgender person?
 - What is the process or procedure if a person disagrees with how they were treated during a search and seizure?
 - What kind of policies have been put in place after IHOP incident?
 - What policies were in place before IHOP incident?
 - Do we gather data from stop and frisk incidents for analysis? How often do we analyze this data? Third party analysis?
 - Have you found weapons - what % of time do you find weapons - if it statistically low do you reevaluate your stop and frisk frequency? What do you do to ensure that suspicions of officers are not based on implicit bias?
 - What training do officers get on bias?
 - Frequency of minorities that are subjected to stop and frisk? What is the % to total?
 - Consent searches - why don't we require this?
9. Regarding Willful Maltreatment

Employees shall not maliciously and/or willfully mistreat, either physically or mentally, any person with whom they may have contact within the course of their official duties. Any member of the department who may witness willful maltreatment shall make every reasonable effort to stop such behavior and shall notify the commanding officer of the incident as soon after the event as possible.

 - What is the definition of willful maltreatment?

- How does the police department handle calls related to mental health? What about re-appropriating a part of the city budget to specialists in this field?

Andrea Muskopf

From: Ward, Geoff <gward@wustl.edu>
Sent: Monday, June 8, 2020 1:54 PM
To: Andrea Muskopf
Cc: Laura Horwitz
Subject: Recommendation to amend the St. Louis County Historical Marker in downtown Clayton

[CAUTION – EXTERNAL EMAIL]

Greetings,

I write to recommend that the Community Equity Commission recognize that the St. Louis County historical marker should be removed or amended in light of its racist framing of the history of this county. The St. Louis County historical marker is carefully worded to memorialize white settler colonialism. Erected in 1955, a year after the NAACP technically prevailed in *Brown v. Board of Education* (US schools remain segregated), the marker stands today on a prominent corner in Downton Clayton, immediately outside the St. Louis County Police headquarters, actively defining the jurisdiction as a "white place," and compromising equal protection.

A photograph of the marker is attached. You will note that the first line of the marker frames the significance of the history of the area in terms of the arrival of the "white colonists." As a source of racial and legal socialization (i.e., informing the development of norms, including explicit and implicit bias), this racist framing of "standing" - of who belongs or matters - makes racist policing (and schooling, health care, etc.) more likely, including both acts of aggression and the withholding of equal protection.

When I saw that the new chief of police declared a commitment to inclusion I was encouraged that this marker might be recognized as part of the problem and addressed accordingly. I hope the Equity Commission will help in addressing this situation.

My concern about the sign is rooted first of all in my own circumstance as a person of color who owns a home in Clayton and is raising two boys in St. Louis County alongside my wife is also non-white. I was stunned when I moved here two years ago and encountered this sign. The "epistemic violence" of this marker (harm enacted through constructions of knowledge) actively threatens our well-being, and equality of access to opportunity in the county, including equal protection.

My concern also stems from my work as a sociologist with expertise on legacies of racial violence, where there is evidence that racist commemorative landscapes coincide with social, economic, and political inequality in specific locales. On a more encouraging note, there is some evidence that acts to disavow histories and legacies of white supremacy are effective in diminishing the continued impact of histories of racist repression.

Finally, the commission should consider that amendment or removal of the marker would be consistent with growing effort towards "visual redress" across the globe. The term "visual redress" was coined to describe ongoing efforts in post-Apartheid South Africa to "change the...landscape in an attempt to right the wrongs of previous powers by removing hurtful symbols, social injustice and misrecognition, and remedy the harm that has been caused by these visual symbols by compensation through new visual symbols that have [inclusion] as an outcome." See examples and additional detail [here](#).

AMENDED

Numerous communities are seeking to advance a more just future in part by modifying the memorial landscape, amending or removing commemorative objects complicit in the acceptance and reproduction of racist ideology, such as Confederate symbols, or monuments to traffickers in the transatlantic slave trade and brutality of imperialism (e.g, Colston in Bristol; #RhodesMustFall). In our community, addressing this issue would substantively respond to local, national and global demand to acknowledge and eliminate racist structures, including in the context of policing, and strengthen community trust that public officials and institutions are committed to equity and inclusion.

Thank you for considering this matter. I welcome the opportunity to discuss this further and provide whatever assistance the commission might request in addressing this concern.

Sincerely,
Geoff Ward

Geoff Ward
Professor of African & African American Studies;
Affiliate Faculty, Sociology and American Culture Studies,
Washington University in Saint Louis
[Website](#) | 314.935.9884 | gward@wustl.edu



Andrea Muskopf

From: Kathleen Gund <kathleenmgund@gmail.com>
Sent: Tuesday, June 9, 2020 3:35 PM
To: Andrea Muskopf
Subject: A matter for the Community Equity Commission

[CAUTION – EXTERNAL EMAIL]

To Members of the Community Equity Commission:

I applaud the members of the CEC for including the following in its draft statement of purpose: *The CEC seeks to ensure Clayton is a community where all residents and visitors are welcomed and feel a sense of belonging.*

While Clayton is overseen and managed by its Board of Aldermen, the business of Clayton is conducted by its employees. As Clayton does not have a residency requirement for employees, it is not expected that the makeup of the City's workforce would be reflective of Clayton residents. However, given Clayton's geographic location within the St. Louis metropolitan area, ease of access to both public transportation routes and major highways, and Clayton's function as both a business center and county seat, it would not be a leap to expect that the demographics of its employees would roughly mirror those of the St. Louis metropolitan area; it might even be considered desirable.

In connection with the CEC's possible plans to review certain City policies, I respectfully suggest that the CEC request the following demographic information of City employees in total and by department:

- Race/ethnicity
- Gender
- Age
- Benefit eligible versus non-benefit eligible
- Supervisory versus non-supervisory
- Pay grade
- Length of tenure
- Citizenship/green card status
- **Zip code of residence**
- Other (differently-abled, marital status, sexual orientation-not sure any of these would be tracked?)

Having this information available while reviewing hiring policies would be invaluable and perhaps highlight blind spots and problem areas, as well as point to practices that are effective in increasing or maintaining diversity. For example, if the IT department is found to be 70% male, 30% female, with all of the males at the upper level pay grades, that could be considered a problem. But if most of the females have been hired recently, that could be an explanation as to why that disparity exists. Perhaps a policy was tweaked a few years ago to encourage more inclusion with IT hiring, and the result was the hiring of several females. Could that policy tweak be adopted by other departments that may be heavily male?

Zip code of residence is included in the listing above because we are all a product of place. Zip code has been documented as a determinant of life expectancy in St. Louis, and there is a general awareness (if not evidence) that where one lives is a possible determinant of attitudes of tolerance and acceptance. If it is found that most City employees live in primarily white enclaves, would the CEC consider making a recommendation towards moving towards blind hiring practices? Or perhaps a requirement to post job openings in media frequented by racial minorities?

Mea culpa if the CEC (or the City itself) has already done or was planning to do a demographic review of the City's workers as a part of its equity work.

Thank you to all the members of the CEC for your work on behalf of Clayton.

Sincerely,

Kathleen Gund
314-662-0043

KEY INDICATORS	Total	White	Black	Hispanic	Asian	Am. Indian	Other
Stops	4249	2700	1236	30	188	18	77
Searches	157	67	84	1	3	0	2
Arrests	108	52	53	0	2	0	1
Statewide population %	N/A	82.76	10.90	2.94	1.71	0.41	1.28
Local population %	N/A	75.88	8.84	2.83	10.51	0.14	1.80
Disparity index	N/A	0.84	3.29	0.25	0.42	3.08	1.00
Search rate	3.69	2.48	6.80	3.33	1.60	0.00	2.60
Contraband hit rate	42.68	32.84	51.19	0.00	33.33	#Num!	50.00
Arrest rate	2.54	1.93	4.29	0.00	1.06	0.00	1.30

Notes: Population figures are from the 2010 Census for persons 16 years of age and older who designated a single race. Hispanics may be of any race. Other includes persons of mixed race and unknown race.

Disparity index = (proportion of stops / proportion of population). A value of 1 represents no disparity; values greater than 1 indicate over-representation, values less than 1 indicate under-representation.

Search rate = (searches / stops) X 100.

Contraband hit rate = (searches with contraband found / total searches) X 100.

Arrest rate = (arrests / stops) X 100.

#Error indicates zero denominator.

VEHICLE STOP STATS		Total	White	Black	Hispanic	Asian	Am. Indian	Other
Reason for stop	Moving	2946	2005	714	21	145	9	52
	Equipment	423	211	171	3	23	6	9
	License	880	476	358	5	21	3	17
	Investigative	181	85	84	2	5	0	5
Stop outcome	Citation	1621	944	561	7	69	7	33
	Warning	2579	1725	658	23	119	11	43
	No action	175	101	60	0	11	1	2
Location of stop	Interstate hwy	22	15	7	0	0	0	0
	US hwy	3	2	1	0	0	0	0
	State hwy	8	5	2	0	0	0	1
	County road	1105	660	358	9	53	6	19
	City street	1065	721	251	11	59	4	19
	Other	2046	1297	617	10	76	8	38
Driver gender	Male	2440	1568	675	20	105	12	60
	Female	1809	1132	561	10	83	6	17
Driver age	17 and under	113	86	25	0	1	0	1
	18-29	1445	781	529	5	86	12	32
	30-39	1008	621	293	15	51	3	25
	40 and over	1683	1212	389	10	50	3	19

SEARCH STATS		Total	White	Black	Hispanic	Asian	Am. Indian	Other
Probable cause/ authority to search	Consent	68	17	48	0	2	0	1
	Inventory	30	20	8	1	1	0	0
	Drug/alcohol odor	80	31	49	0	0	0	0
	Incident to arrest	45	32	12	0	0	0	1
	Plain view contraband	21	10	10	0	1	0	0
	Reasonable suspicion-weapon	5	3	2	0	0	0	0
	Drug-dog alert	0	0	0	0	0	0	0
	Other	11	3	7	0	1	0	0
What searched	Driver	9	4	5	0	0	0	0
	Car/property	14	9	2	1	2	0	0
	Driver & Property	134	54	77	0	1	0	2
Search duration	0-15 minutes	145	59	80	1	3	0	2
	16-30 minutes	12	8	4	0	0	0	0
	31+ minutes	0	0	0	0	0	0	0
Contra-band found	Drugs/alcohol	55	13	40	0	1	0	1
	Currency	0	0	0	0	0	0	0
	Weapon	3	0	3	0	0	0	0
	Stolen property	1	0	1	0	0	0	0
	Other	13	10	3	0	0	0	0
Arrest charge	Outstanding warrant	20	5	14	0	1	0	0
	Drug violation	45	11	32	0	1	0	1
	Resist arrest	2	1	1	0	0	0	0
	Off. against person	1	1	0	0	0	0	0
	Traffic Violation	11	8	3	0	0	0	0
	DWI/BAC	53	42	9	0	1	0	1
	Property offense	1	0	1	0	0	0	0
	Other	6	2	3	0	1	0	0

It should be noted that Clayton is unlike most cities in St. Louis County. As the county seat, it is home to the County's Courts, Government Center, the Justice Center and many other social services. Clayton is also home to major corporations and a destination for restaurant and retail businesses. As such, Clayton serves as a hub of economic and governmental activity for the entire region. Clayton welcomes diverse visitors to the community on a daily basis. While this analysis is based on a residential population of 15,939 people (2010 census), Clayton is said to have a daily average population of roughly 46,000 people, which rises to an estimated peak of 70,000-80,000 people. Additionally, using figures from a study for our Downtown Housing Project, Clayton has an estimated population of 17,593 people living within a one-mile radius of City Hall. These numbers increase to 113,679 from 0-3 miles out, and to 297,877 from 0-5 miles out. Using these figures, the minority population is calculated at 9.93%, 29.35%, and 33.85%, respectively. For this reason, using Clayton's residential population to determine potential bias doesn't appear to be an appropriate method, as it does not consider the people living, working, and visiting Clayton, either in total numbers or in racial makeup. In tandem with these figures, social scientists say there are other factors which should be considered in attempting to determine potential bias. Among these are driving quantity, quality and location, all of which are legitimate factors for reviewing car stop data.

KEY INDICATORS	Total	White	Black	Hispanic	Asian	Am. Indian	Other
Stops	3279	2166	867	34	130	15	67
Searches	115	55	54	4	0	0	2
Arrests	87	44	38	0	2	1	2
Statewide population %	N/A	82.76	10.90	2.94	1.71	0.41	1.28
2010 Local population %	N/A	75.88	8.84	2.83	10.51	0.14	1.80
2010 Pop. Disparity Index	N/A	0.87	2.99	0.37	0.38	3.32	1.13
2018 Local population %	N/A	74.37	7.59	2.55	13.18	0.15	2.16
2018 Pop. Disparity Index	N/A	0.89	3.49	0.41	0.30	2.97	0.95
Search rate	3.51	2.54	6.23	11.76	0.00	0.00	2.99
Contraband hit rate	44.35	40.00	53.70	0.00	#Num!	#Num!	0.00
Arrest rate	2.65	2.03	4.38	0.00	1.54	6.67	2.99

Notes: 2010 Disparity index is based on population figures from the 2010 Census for persons 16 years of age and older who designated a single race. Hispanics may be of any race. Other includes persons of mixed or unknown race. 2018 Disparity index is based on 2014-2018 average population estimates from the U.S. Census Bureau's American Community Survey (ACS). The ACS only provides race-specific Hispanic estimates for White, meaning non-White Hispanic residents are double-counted in the 2018 race percentages above. While the 2010 disparity index is the default metric, if this jurisdiction has a small non-white Hispanic population, the 2018 disparity index may provide more current information.

Disparity index = (proportion of stops / proportion of population). A value of 1 represents no disparity; values greater than 1 indicate over-representation, values less than 1 indicate under-representation.

Search rate = (searches / stops) X 100.

Contraband hit rate = (searches with contraband found / total searches) X 100.

Arrest rate = (arrests / stops) X 100.

#Error indicates zero denominator.

VEHICLE STOP STATS		Total	White	Black	Hispanic	Asian	Am. Indian	Other
Reason for stop	Moving	2149	1488	475	27	98	10	51
	Equipment	307	152	126	6	15	3	5
	License	858	546	278	1	21	2	10
	Investigative	77	40	34	0	1	0	2
Stop outcome	Citation	1053	700	280	7	38	6	22
	Warning	2280	1494	612	26	91	9	48
	No action	119	70	40	3	6	0	0
Location of stop	Interstate hwy	15	10	5	0	0	0	0
	US hwy	5	2	3	0	0	0	0
	State hwy	4	2	1	0	1	0	0
	County road	570	329	192	13	19	0	17
	City street	907	611	220	15	43	2	16
	Other	1778	1212	446	6	67	13	34
Driver gender	Male	1831	1224	459	22	68	12	46
	Female	1448	942	408	12	62	3	21
Driver age	17 and under	123	86	31	0	5	0	1
	18-29	1054	599	365	10	54	4	22
	30-39	745	502	197	13	18	3	12
	40 and over	1357	979	274	11	53	8	32

SEARCH STATS		Total	White	Black	Hispanic	Asian	Am. Indian	Other
Probable cause/ authority to search	Consent	23	11	9	3	0	0	0
	Inventory	28	16	10	0	0	0	2
	Drug/alcohol odor	60	25	35	0	0	0	0
	Incident to arrest	32	21	9	0	0	0	2
	Plain view contraband	16	8	8	0	0	0	0
	Reasonable suspicion-weapon	4	1	2	1	0	0	0
	Drug-dog alert	0	0	0	0	0	0	0
	Other	5	3	2	0	0	0	0
What searched	Driver	10	8	2	0	0	0	0
	Car/property	11	5	4	2	0	0	0
	Driver & Property	94	42	48	2	0	0	2
Search duration	0-15 minutes	100	48	46	4	0	0	2
	16-30 minutes	14	7	7	0	0	0	0
	31+ minutes	1	0	1	0	0	0	0
Contra-band found	Drugs/alcohol	44	17	27	0	0	0	0
	Currency	0	0	0	0	0	0	0
	Weapon	7	2	5	0	0	0	0
	Stolen property	0	0	0	0	0	0	0
	Other	10	7	3	0	0	0	0
Arrest charge	Outstanding warrant	20	5	14	0	0	0	1
	Drug violation	26	10	16	0	0	0	0
	Resist arrest	0	0	0	0	0	0	0
	Off. against person	1	0	1	0	0	0	0
	Traffic Violation	8	5	3	0	0	0	0
	DWI/BAC	49	33	12	0	2	1	1
	Property offense	0	0	0	0	0	0	0
	Other	6	4	2	0	0	0	0

As the county seat, Clayton is home to St. Louis County's courts, Government Center, the Justice Center and many other social services. Clayton is also home to major corporations, two universities, and a destination for restaurant and retail businesses. As such, Clayton serves as a hub of economic, governmental, and education activity for the entire region, and it welcomes diverse visitors to the community on a daily basis. While this analysis is based on a residential population of 15,939 people (2010 census), Clayton is estimated to have a daily average population of roughly 46,000 people. For this reason, using Clayton's residential population or the State of Missouri's population to determine potential bias doesn't appear to be an appropriate method, as it does not consider the people working or visiting Clayton either in total numbers or in racial makeup. In tandem with these figures, social scientists say there are other factors which should be considered in attempting to determine potential bias. Among these are driving quantity, quality and location, all of which are legitimate factors for reviewing car stop data. Clayton officers receive annual training on the topics of racial profiling, implicit bias, and procedural justice. No complaints of alleged racial profiling were received in 2018.